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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

The Church of the Eagle and the Condor *et al.*,

Plaintiffs,

vs.

Merrick Garland *et al.*,

Defendants.

Case No. 2:22-cv-01004-SRB

**JOINT MOTION TO EXTEND
THE DISCOVERY SCHEDULE
(First Request)**

Pursuant to Fed. R. Civ. P. 6(b) and LRCiv 7.3, the parties jointly move to extend the discovery schedule, as set forth fully in the accompanying Stipulation.

The parties have been engaged in settlement discussions for the past month. *See* Case Management Order ¶ 8 (Dkt. No. 34) (setting deadlines for the parties to engage in good-faith settlement negotiations and requiring a joint report). Those discussions have been fruitful. Therein, the parties have agreed that DEA and the Church of the Eagle and the Condor will cooperatively undergo a pre-registration inspection, a pre-condition for the settlement agreement. *See* Stipulation. The Government has explained to Plaintiffs that facilitating the pre-registration inspection between DEA and Plaintiffs will require significant time and

resources, and that, more broadly, doing so would inherently be at cross-purposes with conducting discovery against Plaintiffs; and, as such, the Government proposed bringing this joint motion to the Court. Because of the amount of time and resources that the pre-registration inspection is estimated to require, and because of the unique nature of a potential settlement in this matter (i.e., concerning the scope of potential importation, manufacture, and distribution of a controlled substance), the parties have agreed neither party will conduct discovery during the pendency of the pre-registration inspection, and, accordingly, that a 60-day extension of the discovery schedule would be appropriate. *Id.*

Such an extension would allow the parties to focus their attention on the pre-registration inspection and facilitate the potential settlement. Specifically, during those 60 days, the parties anticipate they will (1) cooperatively undergo a pre-registration inspection, (2) determine whether a settlement in principle can be reached on the basis of that inspection, and (3) draft and execute a potential settlement agreement. The parties therefore respectfully request that the Court enter the parties' Proposed Order regarding the discovery schedule, which accompanies this motion.

Respectfully submitted this 13th day of October, 2023.

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STIPULATION

1. The parties have been engaged in productive settlement talks and an exchange of information under Rule 408 for the past month.
2. The parties have reached a preliminary agreement framework. A settlement agreement in this case is subject to CEC passing a pre-registration inspection by DEA.
3. The pre-registration inspection will be conducted by the DEA Phoenix field office.
4. Based on current information, and as of this writing, the pre-registration inspection is estimated to be completed within 45 to 60 days. This estimate is predicated on the assumption that Plaintiffs will cooperate with the pre-registration inspection and does not account for potential delays outside of DEA's control. Plaintiffs and Defendants alike are entitled to have their legal counsel onsite during the pre-registration inspection and during any questioning of the Plaintiffs by DEA.
5. The parties have been engaged in document discovery, and depositions have been scheduled to begin on October 23, 2023, and extending through December 15, 2023. Expert discovery will begin in 2024.
6. The parties each agree not to conduct discovery during the pendency of the pre-registration inspection. Any deposition that the parties have calendared, or were in the process of scheduling, will not move forward at this time. The parties understand that the terms of this stipulation expire after 60 days. Should the parties need additional time to complete the settlement process, they will so move the Court before those 60 days expire.
7. As such, the parties stipulate to extending all current deadlines, except the trial date, by approximately 60 days to allow for the pre-registration inspection to run its course. A revised discovery schedule is provided in the accompanying Proposed Order.
8. In filing this motion, the parties do not ask for a continuation of the trial date and request that it remain on the calendar as scheduled.